IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 25246 of 2004

Between:

1. N.Bikshapathi, S/o late Rajalingam, Urusu village, Warangal District.
2. N. Samaiah, S/o late Rajalingam, Urusu village, Warangal, District.
3. Gayini Swaroopa, W/o Srinivasulu, Urusu village, Warangal District.
4. Rangu Eshwaramma, W/o Rajaiah, Urusu village, Warangal District.
5. Baigani Lalitha, W/o Bikshapathi, Urusu village, Warangal District.

.....PETITIONERS

AND

The Mandal Revenue Officer, Warangal Mandal, Warangal.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue appropriate writ, order or direction to the respondent more so particularly one

in the nature of Mandamus declaring the action of the respondent in interfering with the peaceful possession and enjoyment of the petitioners in respect of the land to an extent of Ac.0.17 Gts each in total admeasuring Ac.2.05 Gts in Survey No.213/B of Urusu village, Warangal District when the petitioners are recorded as owners and possessors of said land in the Record of Rights prepared and maintained as per the provisions of A.P.Rights in Land and Pattadar Pass Books Act, 1971 in respect; of Urusu village, Warangal District, as arbitrary, illegal and without jurisdiction and also in violation of principles of natural justice and as violative of Articles 14 and 21 of the Constitution of India.

For the Petitioner: MR.V.T.M.PRASAD, Advocate

For the Respondent: GP FOR REVENUE

The Court at the stage of admission made the following:

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue and with their consent the writ petition is finally disposed of at the stage of admission.

Petitioner Nos. 1 to 5 claim to be absolute owners of Ac.3-00 of land, each having Ac.0-17 guntas in the family settlement, situated in Survey No.213/B of Urusu village of Warangal District. They state that their names were entered in Record and Rights prepared and maintained under the provisions of A.P. Rights in Land and Pattadar Pass Books Act, 1971 as owners and possessors in respect of the land, and pass books were also issued to them. They also state that the respondent and his men have tried to dispossess them from the land stating that the land was declared as excess as per the declaration filed by one late N. Rajalingam, son of Muthaiah. According to them, the said N. Rajalingam was neither the pattadar of Survey No.213/B nor had he got any right to file a declaration under Urban Land Ceiling Act. Since, it is stated, they are rightful owners having got the land from one N. Jaganadham, son of Kattamallu who was the original pattadar thereof, the respondent without giving any prior notice, has no right to interfere with their possession over the land. Hence, the writ petition.

Taking over possession of any land which is declared as excess as per the provisions of Urban Land Ceiling Act, shall only be after following the due process

contemplated under the said Act, in that, the respondent shall issue notice to the petitioners who are stated to be owners and possessors of the land, calling for their explanation, after considering the explanation that may be submitted by them, pass appropriate orders, and till such exercise is undertaken, status quo obtaining as on today shall be maintained by the parties as regards the possession of the petitioners. If the respondent has already followed the due process of law in the matter, he is at liberty to take consequential steps in accordance with the decision he has taken.

Accordingly, the writ petition is disposed of at the stage of admission.

Sd/-B.V.S.SAI PRASAD

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Mandal Revenue Officer, Warangal Mandal, Warangal

2. Two C.Cs to the Governnment Pleader for Revenue, High Court Buildings, A.P.,Hyderabad (OUT).

3. Two C.D.copies

4. One cc to r.V.T.M.Prasad,Advocate (OPUC)

TRk

HIGH COURT

DATED: 31.12.2004

ORDER:

W.P.NO.25246 OF 2004

DISPOSING OF THE WP

AT THE ADMISSION STAGE